

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)  
Act 1988**

**Chamber Ref: FTS/HPC/EV/19/3158**

**Re: Property at 3 Glasgow Bridge Cottages, Kirkintilloch, G66 1RH (“the  
Property”)**

**Parties:**

**Caledonian Property Investments Ltd, 2 The Cross Court, Bishopbriggs,  
Glasgow, G64 2RD (“the Applicant”)**

**Mr Gordon Brown, Mrs Janice Brown, 3 Glasgow Bridge Cottages,  
Kirkintilloch, G66 1RH (“the Respondents”)**

**Tribunal Members:**

**Neil Kinnear (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
Tribunal”) determined that**

**Background**

This is an application dated 3<sup>rd</sup> October 2019 and brought in terms of Rule 66 (Application for order for possession upon termination of a short assured tenancy) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant provided with its application copies of the short assured tenancy agreement, form AT5, combined notice to quit and section 33 notices, Section 11 notice, and relevant executions of service.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Housing (Scotland) Act 1988*, and the procedures set out in that Act had been correctly followed and applied.

The Respondents had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 7<sup>th</sup> November 2019, and the Tribunal was provided with the executions of service.

### **Case Management Discussion**

A Case Management Discussion was held on 24<sup>th</sup> January 2020 at Glasgow Tribunals Centre, 20 York Street, Glasgow. The Applicant did not appear, but was represented by Mr Bauchop, solicitor, and Mr Robertson, trainee solicitor. The Respondents appeared, and were not represented. Mr Heath, of Citizen Advice Bureau, attended as a supporter for the Respondents.

The Tribunal was invited by Mr Bauchop with reference to the application and papers to grant the order sought.

The Tribunal explained to the Respondents the nature of the application which they faced, the Tribunal's rules and procedures, and the legal framework under which the order was sought, and confirmed with them that they did not contest any element of those.

The Respondents explained that they accepted that all the correct procedures had been followed, and that they had no legal basis to resist the granting of the order sought, but wished to indicate their disgust at the Applicant's decision to evict them after living for 22 years in the Property as their family home, and having never been in breach of any of the lease agreement's terms.

The Tribunal expressed its sympathy to the Respondents regarding their personal situation, but explained that it had no discretion in this matter, and required to grant the order sought.

### **Statement of Reasons**

In terms of Section 33 of the *Housing (Scotland) Act 1988*, the Tribunal shall make an order for possession of the house let on the tenancy if:

- (1) the short assured tenancy has reached its end;
- (2) tacit relocation is not operating; and
- (3) the landlord has given to the tenant notice stating that he requires possession of the house.

All of the above criteria have been satisfied in this application, and accordingly the Tribunal shall make an order for possession.

### **Decision**

In these circumstances, the Tribunal will make an order for possession of the house let on the tenancy as sought in this application.

## Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

N Kinnear

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Legal Member/Chair

24/01/20  
\_\_\_\_\_  
Date